



Indiana Department of Environmental Management

Office of Water Management

Rule Fact Sheet

August 9, 2000

## **Development of Amendments to Rules Concerning the Classification of Water and Wastewater Treatment Plants and Distribution Systems; Examination and Certification of Operators**

LSA Document #98-274

### **Overview**

The Indiana Department of Environmental Management (IDEM) has developed amendments to 327 IAC 8-12 concerning the classification of water and wastewater treatment plants and distribution systems and the examination and certification of operators to be presented to the Water Pollution Control Board on August 9, 2000, for consideration of final adoption. The rule amendments address federal requirements set forth for states by the 1996 Amendments to the Safe Drinking Water Act and remove all requirements for wastewater treatment plants and their operators.

### **Affected Persons**

This rule will affect a certified operator or a person endeavoring to become a certified operator and the owner of a community public water system, nontransient noncommunity public water system, transient noncommunity public water system using surface water, or a transient noncommunity public water system that requires complex treatment.

### **Reason(s) for the Rule**

Amendments to 327 IAC 8-12 and new rule 327 IAC 5-22 have been developed simultaneously. All references to wastewater treatment plants and collection systems and the operators of those plants that have existed in 327 IAC 8-12 are being removed leaving it to address only water treatment plants and distribution systems and the operators of those facilities. Separating the rules and placing each in the proper area of the Indiana Administrative Code (IAC) will eliminate confusion. The rule concerning

wastewater treatment plant classification and certification of wastewater treatment plant operators will be placed in 327 IAC 5, NPDES and Pretreatment Programs, while the rule for water treatment plant classification and certification of water treatment plant operators will remain in 327 IAC 8, Public Water Supply.

### **Economic Impact of the Rule**

The requirements of amended 327 IAC 8-12 could cause an increased economic impact to the owners of water treatment plants that were previously not required to be under the responsible charge of a certified water treatment operator. These treatment plants include community public water systems serving a population of less than one hundred (100), nontransient noncommunity public water systems, transient noncommunity public water systems using surface water, and transient noncommunity public water systems that require complex treatment. The rule allows for ~~grandparenting~~ of existing operators at the affected systems in which case a system could avoid incurring expense. Additionally, federal funds will be provided to assist with the cost of any training required by the rule. Changes in federal guidelines have necessitated that states modify their rules in order to continue receiving full federal funding to the drinking water programs.

### **Benefits of the Rule**

Amended rule 327 IAC 8-12 will concisely present requirements affecting water treatment plant and distribution system owners and operators alleviating the need to refer to a lengthier rule combining both wastewater and water treatment operator requirements as has been the rule situation under the existing 327 IAC 8-12.

### **Description of the Rulemaking Project**

This rulemaking was initiated on January 1, 1999, when two (2) first notices were published; one (1) was for amending 327 IAC 8-12 to remove references concerning wastewater treatment plants and their operators, and the other notice was to develop a new rule in Article 5 for the classification of wastewater treatment plants and the certification of wastewater treatment plant operators. The amendments to 327 IAC 8-12 necessitated by new federal guidelines must be effective by February 6, 2001, so that Indiana does not lose twenty percent (20%) of its available federal funding for the state's drinking water program. Both the amendments to 327 IAC 8-12 and the development of new rule 327 IAC 5-22 must become effective rules at the same time so that no void occurs in state rules concerning water and wastewater treatment plant classification and certification of operators.

### **Scheduled Hearings**

First Public Hearing: June 14, 2000, at the WPCB meeting held at the Indiana Government Building South.

Second Public Hearing: August 9, 2000, at the WPCB meeting held at the Indiana Government Building South.

### **Consideration of Factors Outlined in Indiana Code 13-14-8-4**

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
  - (A) human, plant animal, or aquatic life; or
  - (B) the reasonable enjoyment of life and property.

### **Consistency with Federal Requirements**

The amended rule is consistent with final federal guidelines for the certification and recertification of the operators of community and nontransient noncommunity public water systems that were published in the Federal Register (FRL -6230-8) on February 5, 1999.

### **Rulemaking Process**

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Secretary of State.

### **IDEM Contact**

Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Section, Office of Water Management, (317) 232-8635 or (800) 451-6027 (in Indiana).